

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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ALLEMAGNE

Date of mailing (<i>day/month/year</i>) 11 January 2007 (11.01.2007)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference K440730WO	
International application No. PCT/DE2005/000008	International filing date (<i>day/month/year</i>) 06 January 2005 (06.01.2005)
Applicant AKZENTA PANELEE + PROFILE GMBH et al	
Lippert, Stachow & Partner eingegangen / received	

22. JAN. 2007

FRIST:

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K440730WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2005/000008	International filing date (day/month/year) 06.01.2005	Priority date (day/month/year) 07.01.2004
International Patent Classification (IPC) or national classification and IPC E04F15/00		
Applicant AKZENTA PANELEE + PROFILE GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>18</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2005/000008

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages _____ as originally filed/furnished
- pages* 1-16 received by this Authority on 31.01.2006 with letter of 30.01.2006
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-6 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☒ the claims, nos. 1-6
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1.)	<p>Document US-A-3 958 054 (D1) discloses a floor element having a support ("base") to which a usable layer having a decorative design ("printed layer" or "decorative design") is applied. This decorative design is produced by the application of a first printing composition ("first printing composition" - equivalent to a printing ink). This first composition contains in addition a polymerization inhibitor ("polymerization inhibitor"). The decoration comprises different image areas ("areas of printed design"). The surface of the usable layer has a relief with recessed areas ("valley or depressed areas") and raised areas ("elevated areas"), wherein the recesses overlap with defined parts of the images and the raised areas overlap with other parts of the images of the decorative design ("depressed (elevated) areas are in perfect registration with the printed design").</p> <p>The decorative design formed by the first composition is coated with a second composition ("second printing composition") which contains a</p>		

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

polymerizable monomer ("polymerizable monomer") and a polymerization catalyst ("polymerization catalyst"). Since this second composition must be applied to the entire surface of the decorative design, it has to be transparent in order for the design to remain visible. This second compositions therefore corresponds to a transparent coating layer. The recesses in the relief are produced using a chemical which reacts with the second composition (the transparent coating). The polymerization inhibitor present in the decorative design (contained in the first composition) (= "chemical" of claim 1) reacts with the polymerization catalyst (contained in the second composition/the coating) in such a way that the monomer is not polymerized. This reaction produces the recesses in the relief (see, *inter alia*, column 1, lines 7-9, column 5, lines 4-39, column 7, lines 21-29, column 8, lines 30-35).

A floor element according to claim 1 of the present application differs from that known from document US-A-3 958 054 in that the decorative image is protected against wear and tear by abrasion-resistant particles, the abrasion-resistant particles being disposed in the coating layer.

However, it must be noted that the concept of protecting the decorative image of a floor element by coating the decorative design with a coating layer containing abrasion-resistant particles,

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>designed to protect against wear and tear, is well known. For example, document DE 196 04 905 A1 (D2) discloses a floor element having a support panel to which a usable layer having a decorative layer (in the form of a wood veneer) is applied, wherein the decorative layer is protected against wear and tear by means of abrasion-resistant particles, the abrasion-resistant particles being disposed in a transparent coating layer which coats the decorative design (see column 1, line 27, to column 2, line 20).</p> <p>A floor element according to claim 1 of the present application is therefore obvious.</p> <p>2.) The features defined in dependent claims 2 to 6 are either known or concern only minor structural modifications of the floor element according to claim 1. A person skilled in the art would routinely make modifications of this type on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.</p> <p>Consequently, the subjects of the present claims do not involve an inventive step.</p>

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box I

Basis of the report

The new claim 1, submitted with the letter of 30 January 2006, was amended relative to the application as originally filed. The amendment, which consists in the incorporation of the feature "without resin" into claim 1, is not supported by the application as originally filed.

Consequently, this amended introduces substantive matter which, contrary to PCT Article 34(2)(b)), goes beyond the disclosure in the international application as filed.

The above amendment is therefore not taken into consideration for the purpose of the present report.